



Brief History of Alaska Coastal Management (ACMP) & HB106

Does Alaska Need The ACMP Initiative?

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Disclaimer:

Coastal Zone Management and Alaska Coastal Management Program are complicated programs that are extremely difficult even for the most experience practitioner and legal counsel to fully understand.

This presentation and discussion is just a brief overview of the program or we would be here *all night*.

Federal
Coastal Zone Management
Act of 1972
and
Alaska Coastal
Management Program
Established
in 1977

Simple and Attractive Concept to Participate in the Voluntary Federal CZM Program

Abbreviated Congressional CZM Goals:

- To preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations
- To encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone.....
- Federal funding
- Federal rules on federal projects in CZ to be consistent with State Rules

Alaska Coastal Management Act

- Passed in 1977
- Objectives:
 - Enhance quality of coastal environment
 - Orderly, balanced development
 - Recognition of need for energy supply
 - Full and fair evaluation of demands on the land and water in the coastal area
 - Protect natural and scenic resources for present and future Alaska citizens

CZM/ACMP Implementation

- One of the most convoluted and complicated programs in Alaska
- Coastal Districts and Coastal Resource Service Areas (First Class Borough/Cities and Unorganized Geographic Areas)
- Different coastal zone boundaries
- Most projects involved in consistency reviews were within the jurisdiction of DNR and DEC

ACMP Reality 1977-2003

- Division of Governmental Coordination (DGC) did not issue permits, but coordinated consistency reviews
- Through actions of DGC and the Coastal Policy Council, Coastal Districts and CRSA's gradually implemented enforceable policies and standards that had no basis in Alaska statutes or regulations
- “Homeless Stipulation”

2003 ACMP Reforms

- Provide Permit Coordination through 2003 Large Project Permit Law – Gave DNR additional authority to coordinate state permitting
- Moved DGC into DNR, Office of Project Management and Permitting (OPMP)
- Moved Habitat Division to DNR (since moved back to ADF&G)
- Required Enforceable Policies to meet state standards (intent was to achieve uniformity)
- DEC “carve out” of ACMP process

Implementation of 2003 Changes

- Programmatic changes did not become effective until 2005 with NOAA-OCRM approval
- 2008 NOAA-OCRM Program Evaluation
 - “This evaluation concludes that the Alaska DNR is implementing and enforcing its federally approved coastal program, adhering to the terms of the Federal financial assistance awards, and addressing the coastal management needs identified in section 303(2)(A) through (K) of the CZMA.”

Implementation of 2003 Changes

- 2010 LB&A - ACMP Audit:
 - “The Alaska Coastal Management Program (ACMP) is operated openly and transparently in many ways, but is lacking in certain aspects.”
- DNR, Division of Coastal & Ocean Management (DCOM) continued working with agencies, Coastal Districts, and CRSA’s to optimize the program (a number of unresolved issues remained before June 30, 2011 sunset)

HB 106

- Maintained the 2003 program changes, but clarified and tightened up some of the language
- Established the Alaska Coastal Policy Board – advisory
- Passed Alaska House 40-0

CSHB 106 Product of Numerous Outreach Efforts & Negotiations

- State agencies
- Coastal districts
- CRSAs
- Public
- Federal agencies
- Industry

Historic No Opposition to CSHB 106 as Passed by the House

Alaska Miners Association

Council of Alaska Producers

Resource Development Council

Alaska Oil and Gas Association

Alaska Forest Association

Why an Initiative Petition and New Legislation??

- Coastal communities and individuals have the ability to participate and provide comments on federal and state actions
- Alaska still maintains state jurisdiction, authority, responsibility, and rights in the field of planning, development, control of water resources, submerged lands, and navigable waters
- Project development in coastal areas, since the June 30, 2011 sunset, have continued and permitting has not been impeded.

Initiative Petition and HB 325

- Does away with DEC carve out
- Coastal Board would approve CZM regulations, district programs and enforceable policies, changes to coastal boundaries and statewide standards
- Moves a resource program out of DNR to the non-resource oriented Department of Commerce Community Economic Development (DCCED)

Why an Initiative Petition and New Legislation??

- CSHB 106 could have been used as the vehicle to resurrect ACMP as the state wide coastal management program
- President Obama's Executive Order 13547 creating the National Oceans Council and National Ocean Policy Draft Implementation Plan

Questions